

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 07-201 (MJD/FLN)

(5) ARMANDO YBARRA,

Defendant.

Jeffrey Bryan, Assistant United States Attorney, Counsel for Plaintiff.

Douglas A. Myren, Counsel for Defendant.

This matter is before the Court on the parties' motions in limine. In accordance with the Court's oral rulings on March 24, 2008, **IT IS HEREBY ORDERED:**

1. Defendant's Motion in Limine [Docket No. 169] is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Defendant's Motion to Preclude Evidence of Handgun is **DENIED**.
 - b. Defendant's Motion to Preclude Evidence of Marijuana in

Ybarra's Vehicle is **GRANTED**.

- c. Defendant's Motion to Preclude Evidence of Ybarra's Admission that He Smoked Marijuana is **GRANTED**.
- d. Defendant's Motion to Preclude Evidence of Ybarra's Outstanding Traffic Warrants is **GRANTED**.
- e. Defendant's Motion to Preclude Evidence of Non-Marijuana Drug Trafficking is **GRANTED**.
- f. Defendant's Motion to Preclude Evidence of Drug Trafficking Seized from the Oakdale or Thomas Addresses is **DENIED**.

2. Defendant's oral motion in limine to admit the statements of the unindicted co-conspirator made in furtherance of the conspiracy is **GRANTED**.

3. The Government's Motion in Limine [Docket No. 165] is **GRANTED IN PART** and **RESERVED IN PART** as follows:

- a. Motion to Preclude Mention of Punishment is **GRANTED**.
- b. Motion to Preclude Arguments Regarding Jurisdiction or Double Jeopardy is **GRANTED**.
- c. Motion to Preclude Mention of Witness Prior Bad Acts Until Court Approves is **RESERVED**.
- d. Motion to Sequester Potential Witnesses is **GRANTED**, with the exception that the Government's case agent does not have to be sequestered.
- e. Motion to Admit Coconspirator Statements is **GRANTED** and those statements are conditionally admitted.

- f. Motion to Admit Evidence Under Doctrine of Adoptive Admission is **GRANTED**.
- g. Motion to Admit Prior Consistent Statements is **RESERVED**.
- h. Motion to Admit Drug Notes and Drug Ledgers is **GRANTED**. Those items will be referred to as "alleged" drug notes or "alleged" drug ledgers until an expert testifies that they are, in fact, drug notes or drug ledgers.
- i. Motion to Admit Photographs of Alleged Illegal Activities is **GRANTED**.
- j. Motion to Admit Physical Evidence as Indicia of Conspiracy is **GRANTED**.
- k. Motion to Inquire of Witnesses Who Seek to Invoke the Fifth Amendment is **GRANTED**.

Dated: March 24, 2008

s / Michael J. Davis

Judge Michael J. Davis
United States District Court